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Fish and Wildlife Service

Fishery Leaflet 171

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UNEMPLOYMENT INSURANCE INFORMATION FOR FISHERMEN AND ALLIED WORKERS[1/]

GREAT LAKES STATES[2/]
MINNESOTA
WISCONSIN
ILLINOIS
MICHIGAN
OHIO

Note: This information is a digest of Unemployment Insurance Laws (as of September 1, 1945) with specific application to fishermen and allied workers in the States of Minnesota, Wisconsin, Illinois, Michigan, and Ohio. This presentation is necessarily not complete; it is an interpretation by the Fish and Wildlife Service of the existing laws, and is subject to correction by courts or administrative agencies.

1/ Compiled by the Economics and Cooperative Marketing Section, Division of Commercial Fisheries.

2/ The unemployment insurance information for the States of New York and Pennsylvalia is presented in Fishery Leaflet 150. Indiana is omitted.

MINNESOTA

Source: Minnesota Employment and Security Law (original act effective December 24, 1936; latest amendment effective April 18, 1945).

Fishermen and Allied Workers Covered.--These workers are covered in this State according to a statement of February 20, 1945, issued by the Director of the Division of Employment and Security, quoted in part as follows:

" . . . . if he (fisherman) . . . . operates within cities, towns, or villages of 10,000 population or more, the test is whether or not he employs one or more individuals for twenty different weeks during the calendar year. Most of the commercial fishermen in this State operate outside of the limits of cities, villages, or towns of 10,000 or more population and operate less than twenty weeks during the calendar year. . . . Commercial fishermen, however, who employ more than eight individuals for some part of a day in each of twenty different calendar weeks during the calendar year are covered by the Minnesota Employment and Security Act and their employees are entitled to benefits thereunder whether or not the services of such employees are performed on the navigable waters of the United States."

Employment Not Covered.--Services of: (a) casual labor not in the course of the employing unit's trade or business; (b) performed on the navigable waters of the United States for employers with less than eight employees; (c) family services; (d) fishermen's cooperatives if performed by a student; if wages received in any calendar quarter do not exceed $45.

Employers Covered.--Those having one or more employees in any twenty weeks in the current or preceding calendar year; eight or more in any twenty weeks in the current or preceding calendar year if employed outside the corporate limits of a community of 10,000 or more population.

Eligibility of Employees

(1) Minimum amount of earnings necessary - $200.
(2) Waiting period - an applicant must wait two total or partial weeks of unemployment before receiving unemployment benefits, but these weeks do not have to be consecutive. Persons discharged from military service on or before July 1, 1945, are not required to serve a waiting period.

Payments

(1) Maximum and minimum weekly benefit payments - $20 is the maximum amount that the applicant may receive weekly and $7 is the minimum amount that may be received as weekly unemployment benefits, less wages, if any, in excess of $3.
(2) Maximum number of weeks payable - twenty weeks, but the number of weeks payable for lower wage groups is less.

Contributions

(1) Employers contribute from 0.5% to 3.25% of wages paid (not in excess of $3000) to each employee. Rates are adjusted according to the employer's employment experience.
(2) Employees contribute no part of their earnings toward unemployment benefits.

Disqualifications for Benefits.--Applicants are disqualified in the following cases:

(1) Voluntary Leaving.--If applicant voluntarily and without good cause attributable to the employer discontinued his employment with such employer, he shall be deemed ineligible for benefits for not less than three or more than seven weeks of unemployment in addition to and following the waiting period.

(2) Discharge for Misconduct.--If applicant was discharged for misconduct connected with his work or for misconduct which interferes with and adversely affects his employment he shall be considered ineligible for benefits for not less than three or more than seven weeks of unemployment in addition to and following the waiting period.

Note.--The foregoing provisions relating to voluntary leaving and discharge for misconduct shall not apply to any applicant who left his employment to accept work in an industry, occupation, or activity in accordance with War Manpower policies of the United States or to accept work offering substantially better conditions of work or substantially higher wages or both, or whose separation from such employment was due to serious illness of such individual.

(3) Separation due to Pregnancy, for Purpose of Visiting or Living with Husband, or to Assume Duties of Housewife.--If applicant is separated from her employment because of pregnancy or voluntarily discontinues her employment for the purpose of visiting or living with her husband or assuming the duties of a housewife. Such disqualification shall be removed, however, by subsequent employment in insured work for a period of not less than two weeks.

(4) Failure to Apply for Available Suitable Work or to Accept Suitable Work.--If the Director finds that he has failed, without good cause, either to apply for available suitable work when so directed by the employment office or the Director, or to accept suitable work when offered him, or to return to his customary self-employment, if any, when so directed by the Director, he shall be ineligible for benefits for the week in which such refusal or failure occurred and for a period of three weeks of unemployment immediately following such week.

In determining whether or not any work is suitable for an individual the Director shall consider the following: (a) degree of risk involved to his health, safety, and morals; (b) physical fitness and prior training; (c) experience; (d) length of unemployment and prospects of securing local work in his customary occupation; (e) distance of the available work from his residence.

Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(5) Labor Dispute.--If such applicant has left or partially or totally lost his employment with an employer because of a strike or other labor dispute. Such disqualification shall prevail for each week during which such strike or other labor dispute is in progress at the establishment in which he is or was employed, except that this disqualification shall not act to deny any individual the right to benefits based on employment subsequent to his separation because of a strike or other labor dispute if such an individual has in writing notified the employer involved in such strike or other labor dispute of his resignation and acceptance of his resignation and acceptance of other bona fide employment and provided, further, that such resignation is accepted by all parties to the strike or other labor dispute so that such individual is no longer considered an employee of such employer.

Benefits shall not be denied any employee who becomes unemployed because of a lockout or by dismissal during the period of negotiation in any labor dispute and prior to the commencement of a strike.

(6) Failure to Disclose Wages Earned During Period of Alleged, Unemployment.--For the week with respect to which applicant knowingly and wilfully fails to disclose any remuneration received by him for services performed for the purpose of obtaining benefits or a greater amount of benefits than he otherwise would have been paid, and for such additional weeks during his benefit year as the director may determine according to the circumstances in each case.

(7) Provisions Relating to Veterans.--The foregoing disqualifications shall not be applied to a person terminated from military service on or before July 1, 1945, by reason of any act or course of action on his part prior to the date of entry into such service.

(8) Receipt of Other Compensation Including Unemployment Compensation for Veterans.--An applicant shall be ineligible to receive benefits for any week with respect to which he is receiving, has received, or has filed a claim for remuneration in an amount equal to or in excess of his weekly benefit amount in the form of: (a) dismissal wages or wages in lieu of notice whether legally required or not; (b) vacation allowan (c) compensation for loss of wages under the workmen's compensation law of this State or any other State or under a similar law of the United States, or under another insurance or fund established and paid for by the employer; (d) a primary insurance benefit under Title II of the Federal Social Security Act, as amended, or similar old age benefits under any Act of Congress or this State or any other State or benefit payments from any fund, annuity, or insurance provided by or through the employer and to which the employer contributed 50% or more of the total of the entire premiums or contributions to the fund. Provided, that if such remuneration is less than the benefits which would otherwise be due under this Act, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration; provided, further, that if the appropriate agency of such other State or the Federal government finally determines that he is not entitled to such benefits, this provision shall not apply.

An applicant is ineligible with respect to the week or weeks for which he is receiving, has received, or has filed a claim for unemployment compensation benefits under any other law of this State or of any

other State, or the Federal government, including readjustment allowances under Title V, Servicemen's Readjustment Act, 1944; provided that if the appropriate agency of such other State or the Federal government finally determines that he is not entitled to such benefits this provision shall not apply.

Mustering-out pay made to ex-servicemen does not render such an applicant ineligible for benefits.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed.

WISCONSIN

Source: Wisconsin Unemployment Reserves and Compensation Act (original act effective January 29, 1932; latest amendment effective July 1, 1945).

Fishermen and Allied Workers Covered.--These workers are covered both as to full-time and seasonal employment, except that fishermen assisting in the navigation of vessels are excluded. The Chairman, State of Wisconsin Industrial Commission, in a statement of April 25, 1945, comments as follows:

"All employees working for an employer in Wisconsin subject to the Unemployment Compensation Act are deemed to be in a covered employment, unless the employer can show that such employment is excluded. Therefore, any particular fisherman would be deemed an employee unless his employer could show that he was excluded because he was an officer or member of a crew of a vessel on navigable waters within the territorial limits of the State of Wisconsin or a maritime worker covered by an Act of Congress. Each individual's status must be separately decided. Most of the fishing vessels plying navigable waters of the United States within the territorial limits of the State of Wisconsin are small in size. These fishermen probably assist in the navigation of the vessel and would therefore be members of the crew and excluded from coverage.

"Those individuals working on land in connection with the fishing industry would be covered under the Wisconsin Unemployment Compensation Law, even though the fishing industry might be considered a seasonal employment. The Wisconsin Unemployment Compensation Act covers all employees of statutory employers whether or not the employees are engaged in seasonal employment, unless they are specifically excluded by the Act. No such exclusion applies to the fishing industry.

"There is no Federal Unemployment Compensation Act covering maritime workers. Therefore, maritime workers, unless they are officers or members of the crew of a vessel on the navigable waters of the United States are covered by the Wisconsin Unemployment Law."

In a statement of October 26, 1945, the Chairman of the Unemployment Compensation Department of the State of Wisconsin Industrial Commission, modified the foregoing statement of April 25 as follows, in accordance with recent changes in the Wisconsin law:

" . . . . Wisconsin's law will apply to officers and members of the crew of commercial fishing vessels if and when: (1) the Federal unemployment tax becomes applicable to their wages, and (2) the Commission enters into a reciprocal arrangement with respect to presently excluded maritime employment under Sec. 108.14 (8m) (b)."

Employment Not Covered.--Services of: (a) officer or member of the crew of a vessel on the navigable waters of the United States, and service with respect to which unemployment benefits are payable under an unemployment compensation system for maritime workers established by an Act of Congress (see also the quotation in the foregoing paragraph from statement of October 26, 1945); (b) in any calendar quarter as an officer or representative of fishermen's cooperative organizations if the remuneration does not exceed $45.

Employers Covered.--Those having six or more employees in 18 or more weeks in the preceding year, the first such year being 1938.

Eligibility of Employees

(1) Minimum amount of earnings necessary and length of employment - 14 weeks employment from one or more employers, within preceding 52 weeks and an average weekly wage of more than $7.50.
(2) Waiting period - an applicant must wait two weeks of full unemployment before receiving unemployment benefits.

Payments

(1) Maximum and minimum weekly benefit payments - $20 is the maximum weekly benefit rate and $6 is the minimum weekly benefit rate. If the applicant's minimum weekly benefit rate is less than $8 he will nevertheless be paid not less than $8 for each week in which he is entitled to receive benefits until he has received the full amount to which entitled.
(2) Maximum number of weeks payable - 23 weeks.

Contributions

(1) Employers contribute at the rate of 2.7% on their payrolls (not in excess of $3000 in wages paid to each employee) unless assigned rates based on an actual contribution and benefit experience effective January 1, 1938. Rates, therefore, may range from 0% to 5.5% in 1944 and 1945; 0% to 4% in 1946; and 0% to 4.5% in 1947 and thereafter. From 1940 on, employers' payrolls have been determined on the basis of wages paid. From 1940 through 1945 an employer's payroll includes wages earned in excess of $3000 per year while the employer is liable to contribute at higher than the standard rate of 2.7%, unless his higher rate was due solely to expansion of his payroll under the temporary "war-risk" contribution provisions.
(2) Employees contribute no part of wages toward unemployment benefits.

Disqualifications for Benefits.--Applicants are disqualified in the following cases:

(1) Discharge for Misconduct.--If he has been discharged by the employer for misconduct connected with his employment; provided, moreover, that such employee shall be deemed ineligible for benefits (from other previous employer accounts) for the week in which such discharge occurred and for the three next following weeks.

(2) Disciplinary Suspension for Misconduct or Other Good Cause.--(a) If suspended for misconduct connected with his employment, ineligible to receive benefits for each such week of suspension; (b) if suspended for other good cause connected with his employment, ineligible for the first three such weeks ending within any calendar year.

(3) Leaving Work Voluntarily.--If applicant terminates his employment he is ineligible for any benefits based on such employment and is ineligible for benefits based on other previous employment for the week of termination and the four following weeks except as hereinafter provided: (a) if Commission determines that employee terminated his employment with good cause attributable to the employer; (b) for compelling personal reasons, unless it is found that applicant is physically unable to work or substantially unavailable for work; (c) to take another job, except that he shall be ineligible for benefits based on the employment terminated until he has been employed for the seven following weeks.

(4) Marital Status.--Applicant is ineligible for benefits based on employment for employer, if she has left or lost such employment because of employer's policy not to employ married women, unless she establishes to the Commission's satisfaction that she is available for work. Such ineligibility will be in effect for the week in which such termination occurs and thereafter until she accepts employment and works for a substantial period under circumstances evidencing to the satisfaction of the Commission that she is available for work.

(5) Concealment of Wages.--In case it is determined that applicant has concealed any part of his wages earned for a given week, he shall be ineligible for that week; and any benefits for such week or for a subsequent week paid to him, because of such concealment, prior to the date of such determination shall be returned. Moreover, he shall forfeit such benefits as would otherwise become payable to him for one week of otherwise compensable unemployment completed within the two years following such determination date; and such benefits shall be duly charged against the claimant's credit weeks.

(6) Concealment of Refusal to Accept Work.--In case it is determined that an applicant has concealed his refusal (within any week covered by his claim) of a job offer, he shall be ineligible for that week; and any benefits for such week or for a subsequent week paid to him by mistake (because such ineligibility had not yet been established) prior to the date of such determination shall be returned. Moreover, he shall forfeit such benefits as would otherwise become payable to him for two weeks of otherwise compensable unemployment completed within the two years following such determination date.

(7) Refusal to Apply for or to Accept Suitable Work.--If applicant fails either to apply for work when notified by a public employment office or to accept work when so offered, without good cause, he is ineligible for the week in which such failure occurs and in the following weeks until again employed within at least four weeks and has earned wages equalling at least four times his weekly benefit amount. If the Commission determines that the failure has occurred with good cause, but that the employee is physically unable to work or substantially unavailable for work, he shall be ineligible for the week in which such failure occurred and while such inability or unavailability continues.

Benefits shall not be denied to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if position offered is vacant due directly to a strike, lockout,

or other labor dispute; (b) if wages, hours, or other conditions of the work offered are substanitally less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(8) Labor Dispute.--An employee who has left (or partially or totally lost) his employment with an employer because of a strike or other bona fide labor dispute shall not be eligible for benefits from such (or any previous) employer's account for any week in which such strike or other bona fide labor dispute is in active progress in the establishment in which he is or was employed.

(9) Self-Employment.--An employee shall not be eligible for benefits from a given employer's account for any given week, if he is customarily self-employed, and there have been not more than twenty weeks in which he worked as much as 15 hours per week for such employer, and he has worked at his self-employment 30 or more weeks, out of the 52 weeks preceding termination of his employment by such employer, and can at such termination reasonably return to his customary (or other similar) self-employment.

(10) Student During Vacation.--An employee shall not be eligible for benefits from a given employer's account for any given week, nor shall such week be counted as a credit week for benefit purposes, if such employee is or was a student (regularly attending an established educational institution in the most recent school term) and his employment in such week occurred: (a) solely within the customary vacation days or periods of schools, colleges, and universities; (b) outside of school hours for not more than 4 hours on any full school-day; (c) by such educational institution; (d) by a separate employer as a formal and accredited part of the regular curriculum of such educational institution.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed.

ILLINOIS

Source: Illinois Unemployment Compensation Act (original Act effective July 1, 1937; latest amendments effective July 1, 1945).

Fishermen and Allied Workers Covered.--These workers are covered under the Illinois Unemployment Compensation Act according to a statement of January 18, 1945, signed by the Commissioner of Placement and Unemployment Insurance, quoted in part as follows:

" . . . . We hold that whether or not services are performed 'as an officer or member of the crew of a vessel' is always a question of fact depending upon the evidence submitted in each case. In other words, we hold that the word 'fishermen' is not equivalent to the phrase 'members of the crew of a vessel,' merely because fishing vessels are used in the occupation."

Service performed as an officer or member of the crew of an American vessel is now covered pursuant to an amendment effective July 1, 1945. Benefits under this amendment become payable on April 1, 1946.

Employment Not Covered.--Services of: (a) an officer or member of the crew of a vessel which is not an American vessel; (b) family services; (c) services with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress; (d) fishermen's cooperative organizations if wages in any calendar quarter do not exceed $45; short-time services by a student under 21 years of age who is actually attending school.

Employers Covered.--Those having six or more employees in any twenty weeks in the current or preceding calendar year.

Eligibility of Employees

(1) Minimum amount of employee earnings - $225 in the preceding calendar year.

(2) Waiting period - applicant must wait one week of full unemployment before receiving unemployment benefits.

Payments

(1) Maximum and minimum weekly benefit payments - $20 is the maximum amount that applicant may receive weekly and $7 is the minimum amount that may be received weekly as unemployment benefits. After April 1, 1946, the minimum amount that may be received weekly is $10.

Wages payable, if any, in excess of $2, are deducted from the benefit amount that may be received. Eligible applicants unemployed for a period of six or less days, if such days occur between the end of a week of unemployment and the beginning of a pay period week of the employing unit for whom he has begun to work, or if such days occur between the end of a week of unemployment for which the applicant's rights to benefits are disputed and the beginning of a period for which the claimant has been paid benefits, receive one-seventh of weekly benefit amount for each day less wages payable in such period.

(2) Maximum number of weeks payable - the maximum number of weekly benefits that any applicant may receive is 26.

Contributions

(1) Employers contribute from 0.5% to 3.6% of wages paid (not in excess of $3000) to each employee.

(2) Employees contribute no part of their earnings toward unemployment insurance benefits.

Disqualifications for Benefits.--Applicants are disqualified in the following cases:

(1) Leaving Work Voluntarily.--For the week in which he has left work voluntarily without good cause and the three weeks which immediately follow such week. In addition, he shall be ineligible for not more than four weeks which immediately follow such weeks as shall be determined by the deputy upon the basis of the facts found by him,

(2) Discharge for Misconduct.--For the week in which he has been discharged for misconduct connected with his work and the three weeks which immediately follow such week. In addition, he shall be ineligible for not

more than four weeks which immediately follow such weeks as shall be determined by the deputy upon the basis of the facts found by him.

(3) Discharge for Forgery, Larceny, or Embezzlement.--Notwithstanding any other provisions of this Act, no benefit rights shall accrue to any individual based upon wages from any employer for services rendered prior to the day upon which such individual was discharged because of forgery, larceny, or embezzlement in connection with his work; provided that the employer notified the Director of such possible ineligibility within the time limits specified by regulations of the Director, and that the individual has admitted his commission of the act of forgery, larceny, or embezzlement to a representative of the Director, or such act has resulted in a conviction by a court of competent jurisdiction; and provided, further, that if by reason of such act he is in legal custody, held on bail, or is a fugitive from justice, the determination of his benefit rights shall be held in abeyance pending the result of any legal proceedings arising therefrom.

(4) Failure to Apply for or to Accept Suitable Work.--An applicant shall be ineligible if he has failed, without good cause, either to apply for available suitable work when so directed by the employment office or the Director or to accept suitable work when offered him; or to return to his customary self-employment, if any, when so directed by the employment office or the director. Such ineligibility shall continue for the week in which such failure occurred and the three weeks which immediately follow such week. In addition, he shall be ineligible for not more than four weeks which immediately follow such weeks as shall be determined by the deputy upon the basis of the facts found by him.

In determining whether or not any work is suitable for an individual, consideration shall be given to the following: (a) degree of risk involved to his health, safety, and morals; (b) physical fitness and prior training; (c) experience and prior earnings; (d) length of unemployment and prospects for securing local work in his customary occupation; (e) the distance of the available work from his residence.

Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(5) Labor Dispute.--For any week with respect to which it is found that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed; provided that this subsection shall not apply if it is shown that: (a) he is not participating in, or financing, or directly interested in the labor dispute

which caused the stoppage of work; and (b) he does not belong to a grade or class of workers of which immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in, or financing, or directly interested in the dispute. If in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for this purpose only, be deemed to be a separate factory, establishment, or other premises.

(6) Receipt of Other Compensation from Public Funds.--For any week with respect to which he has received or is seeking unemployment benefits under an unemployment compensation law of the United States or any other State provided that if the appropriate agency of the United States or of such other State finally determines that he is not entitled to such unemployment benefits, this ineligibility shall not apply.

An applicant who is a person terminated from the Armed Forces and who applied for and is authorized payment of any readjustment allowances under the Servicemen's Readjustment Act of 1944 is disqualified for State benefits until all rights to the Federal Benefits are exhausted or until the end of the benefit year, whichever occurs first.

An applicant shall be ineligible for any week with respect to which he is receiving or has received remuneration in the form of compensation for temporary disability under the Workmen's Compensation Act of this State or under a similar workmen's compensation law of the United States. If such remuneration is less than the benefits which would otherwise be due under this Act, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

(7) Receipt of Compensation for Unemployment.--An applicant who has drawn benefits for 26 weeks of total unemployment may not draw further benefits until he has earned wages equal to three times his weekly benefit amount less an amount equal to his weekly benefit amount for each week he was not unemployed during the period which began with the first week of unemployment for which he drew benefits.

If, however, during this period of unemployment there occurred three or more weeks in each of which he earned an amount equal to at least his current weekly benefit amount, then a new period during which he can draw benefits for 26 weeks begins immediately after the last week in which he earned such wages.

(8) Unavailability for Work.--An applicant will be disqualified from receiving benefits for any week in which he causes himself to be unavailable for work with intent to avoid any of the disqualifications imposed by this Act.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed.

Source: Michigan Unemployment Compensation Law (original act effective December 24, 1936; latest amendment effective May 29, 1945).

Fishermen and Allied Workers Covered.--These workers are covered under the Michigan Unemployment Compensation Act according to a letter of February 5, 1945, signed by the Supervisor, Liability Determination Unit of the Michigan Unemployment Compensation Commission, quoted in part as follows:

"It is true that the Commission has rather closely adhered to the rule that members of a crew engaged under the definition of Section 42 (6) (f) are in exempt employment. It has not, however, applied this exemption to the occupation of fishermen. The Commission itself has frequently covered an employer who engages in fishing and allied industry in covered employment and held same subject to contributions. . . . Several employers engaged in fishery and allied industry who otherwise were not subject have elected to cover their workers and coverage has, accordingly, been granted same by the Commission."

Employment Not Covered.--Services of: (a) an officer or member of the crew of a vessel on the navigable waters of the United States; (b) family services; (c) part-time services by student under 21 years of age; (d) fishermen's cooperative organizations if performed by students; if wages in any calendar quarter do not exceed $45.

Employers Covered.--Those having eight or more employees in any twenty weeks in the current or preceding calendar year.

Eligibility of Employees

(1) Minimum amount of employees earnings necessary - $250, including wages in two different calendar quarters.

(2) Waiting period - one week of full unemployment or have earned wages equal to less than three-fourths of his weekly benefit amount, before receiving unemployment benefits.

Payments

(1) Maximum and minimum weekly benefit payments: (a) for total unemployment $20 is the maximum amount and $10 is the minimum amount that an applicant without dependents may receive weekly as unemployment benefits; (b) for partial unemployment, an applicant without dependents may receive the above maximum and minimum benefits less either of the following: 75% of the wages earned in such week if they totaled $12 or more, or wages in excess of $3 earned in such week if they totaled less than $12; (c) an applicant may also receive an additional benefit of $2 for each child, but the maximum weekly benefits for such dependents shall not exceed $28 or the applicant's average weekly wage earned in the quarter in which his earnings were greatest, whichever is the lesser amount. If an applicant's wife also is receiving benefits, only the husband shall be entitled to benefits for dependents.

(2) Maximum number of weeks payable - the maximum number of weekly benefits that any applicant may receive is twenty. However, if either of the following is the lesser, that is the amount to which he is entitled: 25% of wages for first four of last five calendar year quarters if such wages are $800 or more or whichever is lesser of 30% of such wages and $200, if wages are less than $800.

Contributions

(1) Employers contribute from 1% to 4% of wages paid (not in excess of $3000) to each employee. Rates are adjusted according to their employment records.

(2) Employees contribute no part of wages toward unemployment benefits.

Disqualifications for Benefits.--An applicant shall be disqualified for the duration of unemployment in all following cases:

(1) Leaving Work Voluntarily.--Left his work voluntarily without good cause attributable to the employer.

(2) Discharge for Misconduct.-- Been discharged for misconduct connected with his work or for intoxication while at work.

(3) Marital Obligations.--When such individual leaves work voluntarily either to marry or because of marital obligations.

(4) If the employer has given notice that an individual has left work voluntarily without good cause or has been discharged for misconduct connected with his work, or for intoxication while at work, or has left her work in order to move with her husband or family to another locality, the payment of benefits to such individual shall be withheld until seven days after the Commission has notified the employer of the disposition of such claim. If such determination has been appealed by the employer, the payments of benefits shall be withheld until fifteen days after the employer has been notified of the findings of the referee.

(5) Failure to Apply for or to Accept Available Suitable Work.--If the Commission finds that he has failed, without good cause, either to apply for available suitable work when so directed by the employment office or the Commission or to accept suitable work when offered him by any employing unit or by the Commission or to return to his customary self-employment, if any, when so directed by the employment office or the Commission. Provided, that an offer of employment in the individual's customary occupation, under conditions of employment and remuneration substantially equivalent to those under which the individual has been customarily employed in such occupation, shall be deemed suitable work. Such disqualification shall continue for the week in which such failure occurred and for not less than the three or more than the five weeks which immediately follow such week (in addition to the waiting period) as determined by the Commission according to the circumstances in each case and for each week of disqualification, not including the week in which such failure occurred, an amount equal to the claimant's weekly benefit amount shall be deducted from the total amount of benefits otherwise available to him in either the current or in the next succeeding benefit year.

In determining whether or not any work is suitable for an individual, the Commission shall consider the following: (a) degree of risk involved to his health, safety, and morals; (b) physical fitness and prior training; (c) experience and prior earnings; (d) length of unemployment and prospects for securing local work in his customary occupation; (e) distance of the available work from his residence.

Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the remuneration,

hours, or other conditons of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(6) Labor Dispute.--For any week with respect to which his total or partial unemployment is due to a stoppage of work existing because of a labor dispute in the establishment in which he is or was last employed. No individual shall be disqualified under this section if he shall establish that he is not directly involved in such dispute and no individuals shall be deemed to be directly involved in a labor dispute unless it is established that: (a) at the time or in the course of a labor dispute in the establishment in which he was then employed, he shall in concert with one or more other employees have voluntarily stopped working other than at the direction of his employer; (b) he is participating in, or financing, or directly interested in the labor dispute which caused the stoppage of work, provided, however, that the payment of regular union dues shall not be construed as financing a labor dispute within the meaning of this subsection; (c) at any time, there being no labor dispute in the establishment or department in which he was employed, he shall have voluntarily stopped working, other than at the direction of his employer, in sympathy with employees in some other establishment or department in which labor dispute was then in progress; (d) at any time, there being no labor dispute in the particular establishment or department or unit in which he was then employed, he shall have become unemployed because of a stoppage of work which was directly caused in his particular establishment or department or unit by and solely because of a stoppage of work due to a labor dispute which was then in progress in some other establishment or department or unit of the same employing unit by whom he was then employed.

(7) Return of Funds.--Applicant is disqualified until any of benefits awarded illegally shall have been repaid by him.

(8) Receipt of Other Compensation.--(A) For any week with respect to which he is receiving or has received payments in the form of: (a) wages instead of dismissal notice; (b) vacation with pay; (c) compensation for temporary partial disability under the workmen's compensation law of any State or under a similar law of the United States; (d) old age benefits under Title II of the Social Security Act, as amended, or similar payments under an Act of Congress.

If any such payment under (c) and (d) above is less than the benefits which would otherwise be due under this Act, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such payments.

(B) For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of another State or of the United States, provided, that if the appropriate agency of such other State or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply.

( ) If, under an Act of Congress, payments with respect to the unemployment of individuals who have completed a period of military service are payable by the United States, applicants so affected shall be disqualified

for benefits with respect to any week until all rights to such benefits from the United States have been exhausted.

(9) False Statement.--An applicant shall be disqualified for benefits if the Commission finds that he has wilfully and knowingly made any false statement or representation to the Commission or its agent with respect to his eligibility for benefits. Such disqualification shall continue for not less than the three or more than the five weeks which immediately follow such week, in addition to the waiting period.

(10) Pregnancy.--When it is found by the Commission that total or partial unemployment is due to pregnancy.

Where to Apply for Benefits.--Register at the local United States Employment Service Office immediately upon becoming unemployed.

OHIO

Source: Ohio Unemployment Compensation Law (original act effective December 17, 1936; latest amendment effective October 12, 1945).

Fishermen and Allied Workers Covered.--These workers are covered.

Officers or members of a crew on navigable waters, formerly were excluded according to a statement of April 25, 1945, signed by the Administrator, State of Ohio, Bureau of Unemployment Compensation, quoted in part as follows:

"Section 1345-1(c) D provides that 'employment' shall not include: '(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States.' This being a specific exclusion, it is limited by its terms to the two classes enumerated. Ohio undertakes to cover all employees not coming within the exclusion."

By a recent amendment to the law, effective September 5, 1945, the above "specific exclusion" was removed. "Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States" is now covered.

Employment as a seaman on an American vessel operating on the Great Lakes is considered seasonal employment. Such season shall consist of the forty calendar week period beginning with the fourth Sunday in March. The rights to benefits for services performed in such seasonal employment shall be confined to weeks of unemployment occurring in such period. Eligibility requirements for benefits and the amount and duration of such benefits for seamen are covered by special provisions for such seasonal employment. An employer who claims to have seasonal employment may file with the Administrator a written application, otherwise he is subject to the general rules and regulations which follow. If the employer files such application, the Administrator will fix the proportionate number of weeks of employment and earnings to qualify for benefits and the proportionate number of weeks for which benefits may be paid.

Employment Not Covered.--Services of: (a) a short-time worker by a student under 21 years of age; (b) family services; (c) an "extra" worker on not more

than one day in any calendar week; (d) maritime employees to whom benefits are payable under an unemployment compensation system for such employees established by an Act of the Congress of the United States; (e) fishermen's cooperative organizations if performed by students, and if wages in any calendar quarter do not exceed $45; (f) casual labor not in the course of the employer's trade or business; (g) services with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress.

Employers Covered.--Those having three or more employees at any one time within a calendar year.

Eligibility of Employees

(1) Minimum amount of earnings necessary - $160 and twenty weeks' employment.
(2) Waiting period - two weeks of total unemployment or two weeks of partial unemployment before receiving unemployment benefits. If an applicant is a person terminated from the Armed Forces, he shall not be required to serve a waiting period.

Payments

(1) Maximum and minimum weekly benefit payments - $21 is the maximum amount that the applicant may receive weekly, and $5 is the minimum weekly amount that may be received as unemployment benefits, less wages, if any, in excess of $2.
(2) Maximum number of weeks payable - twenty-two weeks.

Contributions

(1) Employers contribute from 0.7% to 3% of wages paid (not in excess of $3000) to each employee. However, newly subject employers may be required to contribute as much as 3.7% and other employers may be required to contribute 3.5% under "war risk" provisions in force during the years 1944 to 1947, inclusive. Rates are adjusted according to employment records.
(2) Employees contribute no part of earnings toward unemployment benefits.

Disqualifications for Benefits.--Applicants who are disqualified for the following reasons may not serve a waiting period or be paid benefits for the duration of any period of unemployment:

(1) Labor Dispute.--If applicant has lost his employment or has left his employment by reason of a labor dispute (other than a lockout) at the factory, establishment, or other premises at which he was employed as long as such labor dispute continues.
(2) Refusal to Accept Suitable Work.--If applicant has refused to accept an offer of work for which he is reasonably fitted or has refused to accept a referral to a job opportunity when directed to do so by a local employment office of this State or another State.

No individual, otherwise qualified to receive benefits, shall lose the right to benefits by reason of a refusal to accept new work if: (a) as a condition of being employed, he would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization, or would be denied the right to retain membership in and observe the lawful rules of any such organization; (b) the position offered is vacant due directly to a strike, lockout, or other labor

dispute; (c) the work is at an unreasonable distance from his residence, having regard to the character of the work he has been accustomed to do, and travel to the place of work involved expenses substantially greater than that required for his former work, unless the expense be provided for; (d) the remuneration, hours, or other conditions of the work offered are substantially less favorable than those prevailing for similar work in the locality.

(3) False Statement.--If applicant has knowingly made a false statement or representation or knowingly failed to report a material fact with the object of obtaining benefits to which he was not entitled.

(4) Failure to Report.--If applicant has failed to report to the Bureau of Unemployment Compensation or its designated agencies from time to time as required by its rules.

(5) Committed to Penal Institution.--If applicant has become unemployed by reason of commitment to any penal institution.

(6) Return to School.--If applicant has left his most recent work for the purpose of attending an established educational institution, or if he is a student regularly attending an established educational institution during the school term or customary vacation periods within the school term.

(7) Marital Obligations.--If applicant has quit work to marry or because of marital obligations.

(8) Discharge for Misconduct or Dishonesty.--If applicant was discharged for dishonesty in connection with his work, provided such dishonesty is admitted by such individual, or such dishonesty has resulted in a conviction in a court of competent jurisdiction. Provided, further, that where by reason of the alleged dishonesty in connection with his work, such individual is in legal custody or held at bail, the determination of his benefits shall be held in abeyance pending the release or conviction of such individual.

An individual who has been discharged for just cause in connection with his work shall have a waiting period of three additional weeks during which no benefits shall be payable.

(9) Leaving Work Voluntarily.--If applicant has voluntarily quit his work without just cause this disqualification shall continue for the full period of unemployment immediately following and until such applicant has become re-employed and has earnings equal to at least four times his weekly benefit amount.

(10) Receipt of Other Compensation.--No benefits shall be paid for any week with respect to which an individual is receiving or has received: (a) wages instead of dismissal notice; (b) compensation for temporary partial disability under the workmen's compensation law of any State or under a similar law of the United States; (c) old age benefits under Title II of the Social Security Act, as amended, or similar payments under any Act of Congress; provided, that if such remuneration is less than the benefits which would otherwise be due under this act, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

No benefits shall be paid for any week with respect to which or a part of which an individual has received or is seeking unemployment

benefits under an unemployment compensation law of any other State or of the United States; or for any week with respect to which he has received or is seeking compensation from any Federal system of unemployment or readjustment allowances for individuals discharged from the land or naval forces of the United States; prpvided, however, that if the appropriate agency of such other State or of the United States finally determines that he is not entitled to such unemployment benefits, this disqualification shall not apply.

Where to Apply for Benefits.--Register at the local United States Employment Office immediately upon becoming unemployed.